LAKE COUNTY PLANNING BOARD
January 12, 2011
Meeting Minutes

MEMBERS PRESENT: Bob Kormann, Steve Rosso, Jerry d'Aquin

STAFF PRESENT: Tiffany Lyden, Joel Nelson, LaDana Hintz, Lita Fonda

OTHERS: Christi Buffington, Brett McCrumb

Bob Kormann called the meeting to order at 7:04pm. Election of officers for 2011 and consideration of minutes were extended to next month, given the lack of a quorum.

Joel introduced Jerry d'Aquin from the Swan Valley, a new board member, whom the group welcomed.

LAKESHORE REGULATIONS UPDATE

Tiffany Lyden continued with the lakeshore regulations update review. She highlighted the group was getting a general feel for what direction seems appropriate for the revisions of the regulations. The revisions would still go to public hearing, in front of this Board and in front of the County Commissioners as well. She noted the group had gotten through quite a few of the sections of the regulations. Tonight, rather than specific standards, they would address the policy criteria and some general construction requirements. These were things a planner would look at to see if a project complied, as well as the specific standards for a project. She highlighted that only about half of the general construction requirements were addressed here. The other half would probably be addressed next month.

On 5-1.C.2 on pg.1, Jerry asked about deposition, such as what happened if you built something and the bay filled in. He thought you were trying to prevent erosions, but at the same time with water, you could end up with sedimentation and an accumulation of sand or gravel. Steve recognized that erosion was what most people worried about. Maybe deposition wasn't as serious a problem. Still, if it was significant, it could still alter the neighbor's property or navigation possibly. He thought the sentence in C.2 could have something added to it about significantly increasing lakeshore deposition. Tiffany noted the example where a project caused gravel build-up at the neighbor's dock, who then has to dredge it out every year. Brett McCrumb said if you built a wall and your neighbor didn't do something like that, there would be an eddy line around the back of your wall, which would take out the bank and your wall. He didn't know how you'd get away from that. Steve thought a different solution than a hard wall needed to be chosen in that case. Brett said even with rock, you wouldn't know until it sat there for a season how it would do. He had to go in and add more boulders and gravel even 2 years later. He'd worked with Mark Lorang on projects, and even after that they had to go back and alter.

On C.1 (pg.1), Brett asked about the situation where someone wanted a truss roof, with steel posts and a metal roof, to match their house. He clarified that this might be for a slip dock (covered). Tiffany thought that might be okay, unless they wanted it bright orange or something. Given the previous discussion of boat shelters, her sense was that would be okay, unless it was

completely blocking. Brett said most people wouldn't want that, because they wanted to see the lake from their house too. Steve thought it needed to be designed with the scenic view in mind. Tiffany referred to the standards for boat shelters, which included maximum height and size.

Tiffany returned to C.2 and checked that the idea was to say that erosion was significantly increased and to add something about significant deposition. Steve thought it was good to avoid erosion or a lot of deposition, so 'significant' would only be needed to describe the deposition.

Christi Buffington brought up references to Tribal Shoreline Protection and possible the (Federal) Clean Water Act, where the state standards might not be as applicable. She wondered if that should be referenced in section 5-1.B on pg. 1.

Bob asked about B.3 on suspended sediments and what was a significant period of time. It might be better to better define it or to take it out. He was concerned that calls might come in. Tiffany hadn't had this problem come up. Joel said with policy criteria, you were dealing with predictions because you might be looking at a potential variance. Policy criteria would typically be used to determine if something was a major or minor variance, more of a prediction that's addressed in the environmental impact statement. Brett said sediment would be most likely with the removal of a crib dock, but usually it hadn't been a problem. Tiffany asked if the water got cloudy during a crib dock removal, how long did it stay cloudy. Brett replied that he could usually come back the next morning and see into the water. He talked about more problem digging footings for a concrete wall and what the Tribe required, seated in gravel, with washed rock over the top. Bob noted that about 10 years ago, someone tried to dredge Peaceful Bay near Lakeside without a permit before being shut down. About 2 years ago, he saw aerial photos taken in stormy weather where you could still see the plume of silt and sediments that came from the dredging 10 years prior. The lake still hadn't rearmored itself in that time. Tiffany thought it was significant if sediment didn't settle out in perhaps a day. She mentioned that DEQ had something where if you were causing turbidity (off the reservation), you were supposed to get some allowance for temporary turbidity from them. They would put provisions such as gravel over the top to mitigate that. Brett said when someone did a crib dock, Jim Westerman would have them spread the gravel from inside the crib dock and spread it on the lake bottom rather than removing it or digging it up.

Tiffany detailed from Joel's comment that the policy criteria were something for all permits. If they passed this threshold, they went to the next step. If a proposal didn't pass this threshold, then that was when it might need to go through a major variance with a public process review. Joel suggested it might be defined in ARM. Tiffany added she might also be able to ask DEQ. Bob felt A.6 on pg.1 had the same problem. If you put a dock or boathouse somewhere, you were significantly altering the natural characteristic, although he was in favor of fewer words rather than more.

Brett mentioned building a dock. Steve thought the idea was to have someone designing and building a dock to think about the natural characteristics of the shoreline, and design and construct it with a minimal alteration to the natural characteristics. Tiffany said with the variance process, it would go either to the Planning Board or the Commissioners, and there would go through a public process to get a go-ahead or denial for proceeding.

Tiffany moved on to section 5-2 (pg. 2 and onward). She added 'boat shelter' to 5-2.A.2.b.iii. One that might be added would be 'or something else as approved by the governing body'. This would cover for things the group hadn't thought of that might be proposed that wouldn't be covered here.

5-2.A.2.b came under discussion. Jerry pointed to A.2.b, which said no vegetative removal from the lake. To him, it meant no vegetative removal period. Tiffany clarified that under A, these were projects at or waterward of high water elevation. Some language could be added to clarify that, perhaps '(A) Construction Season for work at or waterward of high water'. This wouldn't affect land projects.

Christi asked about wheels coming in contact with the lake in A.2.b. Would that be the lakebed or the water? Water made more sense to her. Brett reported the Tribe said no wet wheels. He thought it odd that boat trailers could be backed into the water but not construction trailers. Steve thought the important thing was damage to the lakebed that might be more sensitive to damage when it was wet, and creating suspended sediment. The wheels could dislodge rock from the lakebed, besides the possibility of contamination from axles and that kind of stuff. Brett pointed out the boat trailers had the same axle grease that he had. Tiffany suggested maybe a trailer wasn't considered a vehicle. She was thinking of machinery. Steve thought the concern was driven wheels. The group discussed the subject further informally. Bob suggested adding something about motor driven wheels, and Steve suggested putting in an exception for trailers. Steve described a difference between boat trailers and construction trailers, in that a lot of construction trailers had a lot of mud and would put in a lot more dirt in the lake than a boat trailer. He suggested allowing a clean trailer. Brett said his equipment was mainly used for lake projects. Jerry observed that construction trailers had heavy materials whereas a boat floated when launched. Brett said that 90% of the time, they were on concrete ramps. He wasn't sure if Lake County had County ramps. The Tribe never had said anything about using the ramps (Flathead County restricted the use.)

Bob summed that if Brett had to get a piece of equipment out of the lake, and the County said he was in violation if his tires went into the water or on a boat ramp, what was he to do? Brett said there were places he could go, such as the County ramp in Woods Bay, where he could reach over and grab the item. Brett also mentioned using the County ramp in Finley Point, before the lake got all the way up. They bottom out fast. He assumed it was legal for him to do that. He assumed it was. He knew he couldn't get his tracks or wheels wet on the lakebed, but he'd like to know it was okay to back a trailer up, even though it wasn't a boat trailer. Christi thought it got back to whether or not a trailer was a vehicle. Steve noted that a bicycle was a vehicle without a motor. Tiffany summarized they could change the definition or put something in parenthesis about trailers weren't included, or it could be covered as another exception. Christi highlighted the point about clean trailers. Tiffany said the regulations did say no construction debris was to come in contact with water. Bob suggested saying 'clean trailers'. Brett thought oil was more of a concern. Steve thought the idea was if someone complained, did someone back in and make a big plume of sediment out into the lake, in which case the trailer was obviously dirty and in violation. He thought clean trailers were okay. Brett didn't think they could back in that far, or they wouldn't be able to get out. At times they had gotten their tires in

the water. Tiffany checked that he backed in to get close enough to the barge to go from the trailer to the barge. Brett said he used a 24' jib to load his excavator and other stuff. Jerry suggested putting 'self-propelled'. Steve said it didn't cover making sure things were clean, but he thought it would cover in this spot. There were murmurs of acceptance for 'self-propelled' from the group.

Tiffany returned to Brett saying it was sometimes better to remove a crib when the water was up. She thought if they had 'other exceptions as approved by the governing body' (as an item v), they could deal with that as a permit on a case-by-case basis, so they weren't promoting dredging and filling for other circumstances. Brett asked if she could make that decision or if it went before a board. Tiffany replied the governing body was the Commissioners, and they approved all the permits. The language could be something like 'as approved by permit'.

5-2.B General Construction Materials was the next topic for discussion. Steve brought attention to 'on shorelines' in B.1.a. Tiffany agreed they could say within the lakeshore protection zone. Steve asked if that went into the water. Tiffany explained it did. The definition at present was the lake, lakebed and lakeshore, and talked about the 20' measurement.

Tiffany suggested adding paints in B.1.b. Brett asked about Shelter Island. She outlined that most people understand that for the lakeshore area, you can't put stuff on wood. The County granted an exception before her time by way of a letter to allow one property owner, Don Abby, on Shelter Island to stain docks with a product called Weatherbos. The docks on the island and his two land pieces were treated with this product. It had to be reapplied every few years. This exception included that they were supposed to keep records about this. The County requested those records a few years ago. Steve summed this was a variance. Tiffany noted part of the approval included a study through the Biostation about this product. The only thing they looked at was nutrients. Jerry said the product came with an MSDS. She said there was nothing particularly alarming in that. Jerry thought we could look elsewhere where it had been used and see if there had been harm.

Brett said when people asked if they could treat a dock, he told them no. Tiffany agreed. The lake was also used for drinking water. At other lakes, the water wasn't used for drinking. Brett asked about stains with natural components. Tiffany said it would be looked at as a variance. Steve thought there were 2 points to tell people: it would take a lot longer to get a permit with a variance and a public process, and if the dock were built out of good quality fir or larch, you'd probably get 15 years out of it. To paint it 10 times, it would cost another $5000 or $10,000 and would probably only add 3 more years. Brett commented the piling and the structure were the most expensive parts. The decking was the cheapest.

Christi looked at some of the natural alternatives. Some states in that study said they had various agents that could impact aquatic organisms. Even if it wasn't toxic, an application could impact organisms. Most of the treated wood contained copper even if they didn't have arsenic.

Tiffany put something new in the update similar to Flathead County where they grandfather things on land that were painted or stained a long time ago, and have been maintained in that state. She read the provisions that accompanied the new part. The date was blank, pending

discovery in the old regulations on when paint and stain were no longer allowed in Lake County. It was either in the 1980 or 1991 regulations.

Steve pointed to the standards in 2.1.ii (pg. 3). He wondered if there should be a statement in policies saying that composite materials were generally inert and would not significantly degrade water quality. He thought they needed to be careful, since they also said plywood, particleboard and chipboard, which were composites of plastic and wood fibers. Composite decking was also plastic with wood fibers. Did they need to be more specific? The plastics were different. Tiffany noted in 2.1.ii, solid wood was specified for waterward. Brett referred specifically to a boathouse roof, which would be 12' up. Christi suggested specifying on dock surfaces or in contact with the water, or adding iii for boathouses.

Someone mentioned that chipboard and particleboard could definitely come apart. Plywood would not, but it had glues in it. Brett mentioned it was all covered with [inaudible]. Steve said you wouldn't want it soaking in the water. Tiffany thought they could make an exception for plywood for roofs.

Brett brought up indoor/outdoor carpeting for surfaces. The carpeting blew off and went into the lake. Jerry thought carpet should be prohibited. Bob, Brett and Christi agreed. Jerry further detailed no carpet in the lakeshore protection zone. Brett pointed out boats and shore stations had carpets. The rails of the shore stations had carpet. Bob asked what happened when a dock that someone carpeted went bad. Tiffany thought it probably wouldn't come in for permitting. Having it in the regulations would allow for saying that you can't do it, although we might not see it in the permit process. Brett mentioned there were a lot of things done after the builder left. Tiffany thought the more that was addressed up front, the better. Steve asked about the plastic and rubber bumpers and pads on docks. Tiffany thought those might be more in the line of accessories than general construction materials, although this might also be true of carpet.

Tiffany returned to outlining the regulations. Jerry asked about repainting. Tiffany said that hadn't come up yet. Brett thought this would be above water. Steve asked if they needed to say, if painting was allowed, that painting needed to be done when the water was down so wet paint wouldn't drip into the water, and the paint would be dried and cured prior to being over the water. Christi asked why painting metal docks would be allowed if painting wood docks were not allowed. Tiffany said people asked about powder-coated metal. Steve noted they couldn't re-powder coat it over the water. Perhaps they could encourage people to have the metal galvanized. Tiffany thought the issue was with maintenance. Bob thought they needed to define what paint was allowable. A railing could be designed to come apart to go back into the shop to be powder coated. Powder coating would probably be the best. Otherwise, people would be there wanting to paint rails in August rather than April. Brett said posts could be prepainted before being put up. These would not be taken back down. Steve thought those couldn't be repainted. Christi asked why paint would be allowed [on metal] when paint wasn't allowed on wood. Tiffany pointed out the regulations said anything over the water or within 20' of the land couldn't be painted or stained. Steve said paint was the kind of thing that might chip off and break down and put chemicals into the lake. Maybe the solution was to not allow painting, but to allow people to powder coat, galvanize and anodize. Christi thought the lifespan of powder coated metal was pretty long. Brett said painting was better than powder coating. His

experience was his trailers rusted on the welds. It wouldn't powder coat there. The painting was to avoid rust. Bob asked about saying the paint or finishing had to be done at low water. Christi thought some needed a certain temperature to cure. Bob said with some of the trophy home docks, this was saying you couldn't maintain your structure. Brett said what he saw painted and stained were the fascia and gable ends that would match the house. Bob said those didn't have direct contact with the water. Christi said those were painted in advance so it would last.

If stain were to happen, Christi said it would be good to have that done at low water, due to drips. Steve asked if worse contamination occurred from the dried old peeling paint or the liquid paint dripping. Christi said the liquid would be worse since it was more bio-available. Steve agreed that if you could paint the metal, why couldn't you paint the wood? Tiffany added that with painting, there was also sanding. Someone suggested stain rather than paint. Christi asked when paint would start to deteriorate. Brett didn't think it would. Christi clarified the discussion was on maintenance, not pre-painting. Steve said there was currently no provision for maintenance. Christi asked if the paint on metal was chipping or rusting out there much. Steve thought it depended on age and wear. Bob referred to someone on Rocky Point with an all-white place who painted even the docks, right on the water, who maintained it. Brett asked if he was grandfathered. Joel replied no. Bob thought the paint would eventually come off. He liked the idea of stain for wood.

Tiffany said you wanted to be consistent. The current regulations didn't really address metal. Those said (on pg. 7 in letter f) that all piling and lumber used for construction within the lakeshore protection zone shall be untreated and left in its natural state. To her, that said nothing could be used, on the land, over the water or on a boat shelter. She took the current regulations and tried to expand them a little to be consistent with what Flathead County did.

Steve confirmed that a new paragraph would be written here to cover plywood used on the roof of a boat shelter. Did a certain height above the water need to be discussed for the plywood and for the use of materials that were stained prior to installation? Someone said that still didn't address the maintenance issue. Steve thought they could not redo it. Christi said to be consistent, it did say prior to installation for metals, and it could say prior to installation for wood. They'd have to look into the water quality impacts and how that was different. Jerry suggested they could allow it above a certain height that was not in contact with the water. Brett thought there should be a provision. He didn't know people who would not redo. Steve thought this was a compromise, and they would have to do maintenance at low water, so they couldn't maintain it over water. Brett thought with stain, you could put it on at a lower temperature range. Bob said they allowed routine maintenance for pre-1982 structures on land. Tiffany added they didn't allow for them over water. Steve thought they needed to come up with something that would be the best way for them to maintain. Christi gave information from the Idaho Dept of Environmental Quality website on wood regarding 3 pages on what you could use and when, as well as products that were never allowable if it was a drinking water source. The section was written by the wood products industry. Bob agreed with Brett's statement that people would maintain, whether they were in violation or not. Steve said they needed to pick a way that would mitigate as many problems as possible.

Tiffany checked on the thought to relay in the regulations. Steve said for new construction, [painting/staining] needed to be done prior to installation over the water. For maintenance, it could not be done over the water. Christi highlighted these were the construction requirements and the section would not need to be changed too much. Steve asked if there was a maintenance section. Tiffany said there was not. Brett thought it you almost needed to know the maintenance in the construction phase, since what you needed to maintain would need to be put on in the construction phase. Tiffany said in the definitions, there was something about maintenance that could refer to this portion on materials. Steve liked the phrase from Flathead County construction materials about 'Nothing which will wash off or dissolve when in contact with water'. Christi said it could also create a sheen. A product didn't necessarily have to dissolve. Tiffany and Steve thought that would wash off. Steve reminded painting of a material had to be above a certain height above the full-pool water. Jerry didn't think paint should be used for wood. Tiffany asked if the stain needed to be water-based. Christi didn't know of a non-toxic stain. Brett said stain could be used at colder temperatures, didn't flake and was easily maintained. It didn't need sanding. Bob asked about Lake Minnetonka in Minneapolis, with lots of docks. What were their regulations? Tiffany explained that with that lake and Wisconsin lakes, they don't specify what you could use because the lakes weren't used for drinking water.

Christi offered to send the Idaho link, since it specifically addressed what was okay and not for drinking water. Bob asked if Lake Mary Ronan was used for drinking water. People weren't sure.

Tiffany read an excerpt from Missoula County, which included lakes such as Seeley Lake. Those specified that wood preservatives or treatments must be water-based, not toxic to fish and not flammable. They included a list of items that could not be contained in a product, such as diesel fuel, creosote and copper. The regulations referred to a list of approved products that was available in the office. Christi queried if this would start everybody doing Shelter Island docks. Tiffany replied it wouldn't be in contact with water. Limited components could be painted.

Tiffany asked about painting on land. Sometimes people chose to move their boathouses back (out of the lakeshore buffer) in order to paint them. If some staining over the water was allowed, it seemed that should be allowed on land too. Depending on how Tiffany wrote this up, Steve thought this might work throughout the lakeshore protection zone.

Tiffany asked about composite decking. She put it under 'wood'. Maybe it should go under 'other materials'. Steve said he would put it under [inaudible]. Tiffany checked if composite decking type material was the appropriate term. Steve suggested leaving out 'type'. Tiffany thought they were sometimes used for floats and Steve agreed. He cautioned that not all composite deckings were the same. They were not the same percentage of wood, fiber and plastic. He gave an example of a New England case where there was a lot of wood fiber, which rotted away, leaving a weak plastic sponge. He wasn't sure if it was possible to research which ones were more durable and as a result less likely to fall apart and leave things in the water. Tiffany said she would add to the policy section that the composite decking materials were generally inert. Jerry said you wouldn't be to treat or varnish these. Steve said some manufacturers or applications actually recommended treatment. Christi thought maybe it should be a list of approved products. It might be a good way to allow flexibility over time as products

improve. Steve thought there were Internet discussions on the topic of which composite deck materials would be okay.

The group moved on to 5-2.B.2.c. In B.2.c.ii, (pg. 4, top) blue logs that were completely encased in metal or solid wood would be allowed. Tiffany spoke with John Snyder of the Dock Store today who requested that blue logs be prohibited. They were a mess. They were also a great haven for muskrats. Currently there were other floats available. Brett asked about tires. Tiffany agreed that tires should be covered. Steve checked that the prohibited Styrofoam logs were those where the little beads were pressed together. Tiffany relayed that John said Styrofoam was called closed cell foam, since they were tiny bits compressed together. Blue logs were open cell foam. Steve said they were both polystyrene. Tiffany said they could prohibit both. Steve listed some other undesirable plastics that would fall apart and flake off into the water. Christi brought up life expectancy of products. The group looked at some pictures. Tiffany summarized that they wanted to eliminate Styrofoam and similar materials. Other floats that were completely encased were allowed, with a long life expectancy preferred. It could be put at a provision in a permit, although usually she didn't see the individual materials.

Tires were discussed in greater depth. Tiffany said she'd had one request for a tire dock in 3 years, in Swan Lake. Brett said plywood was out except for roofs. They could plank it. Steve checked that polyurethane foam was injected into the tires. Jerry noted the foam would be in contact with the water. Tiffany said Whitefish prohibited tires. Brett said Coeur d'Alene allowed them. Christi said there was an issue with the hydrocarbon breakdown in the tires, with sunlight and UV. In the sun, you could feel powder in places. Tiffany recalled asking for Biostation input. There had been some studies about dealing with tires in the water. There was some toxicity to the aquatic invertebrates at some distance from the tires. The woman at the Biostation advocated not allowing them from that standpoint. Steve didn't know if there was much interest in tire docks. Brett thought the Tribe was looking at one among proposals for the breakwater at the KwaTaqNuk, from Greg Matlich, who did the Coeur d'Alene Lake Resort tires, which broke up the wave action. If the KwaTaqNuk dock came in that way, you might see more. Jerry could see it as a breakwater, but as a dock, it didn't fit with lakeshore aesthetics. Brett said floating docks on Flathead were almost impossible. Tiffany recalled the landowner who proposed the tire dock decided to go with a different design, when he heard there might be water quality issues. Steve suggested prohibiting them, and it could go into a variance type situation, if a request came up, and they could have a hearing and learn more about it. Tiffany asked if tires would appear elsewhere in use other than docks. Jerry saw them used as breakwaters. Brett mentioned they were used as bumpers.

Tiffany moved to the asphalt section and noted a change of 'of' to 'or' on pg. 4. A discussion of concrete ensued. In response to a picture, Brett asked if the color was okay, and whether the chemical leached or if it had to be sealed to keep the color. Jerry mentioned without a water seal, 10 years later the concrete would have pockmarks and erosion just from rainwater. This had been his experience on his property, and there was no salt in the vicinity. Tiffany asked if he was suggesting always sealing. Jerry detailed that the smooth surface of the bare concrete would eventually slough off. Steve said if they allowed someone to do concrete, they needed to address sealing. Tiffany checked that the sealant was the problem, as another chemical being applied over the water. Christi said they needed to look at the actual pounds per area of sealant applied

on some of these sections. Brett said he'd done concrete pilings but not concrete docks. Steve asked if the regulations required shielding of the pilings by the creative use of rock or wood. Tiffany thought not. Steve asked if they needed to say bare concrete was okay for pilings.

Bob asked about what would happen if they prohibited concrete dock surfaces. Tiffany thought they might run into a jam. A lot of people wanted those for the longevity. Steve said they needed to learn about sealers. He described a sealer with silicon that reacted with the Portland cement in a chemical process. Tiffany checked that these were constructed in place and then sealed over the top. Brett said that was done at low water. A lot were done at high water over steel pipe. Bob asked where the concrete went when it was made level. Someone said the excess concrete went into the lake. Steve thought maybe this needed to be addressed in the dock section and some procedure for making concrete docks, and require them to be done during low water. Tiffany knew of a dock builder who did a lot of them during high water. Brett said normally what he did were precast panels. This was not at totally low water. Tiffany noted the regulations said wet concrete shall not be poured into or allowed to come in contact with the lakewater, unless poured within watertight forms approved by the permit process. She checked they were saying there was not a possibility to completely follow that. People confirmed.

Bob said the reality was that people were going to want to maintain their stuff. He thought people would try to put the sealer on, and some would go in the lake. Someone with a big investment would try to seal it. He thought the best they could do was to try to find the best products available right now. Brett thought an alternative would be people submitting what they wanted [to use] to see if it would work. Bob thought products could be described generically to avoid cutting out various versions of substances that met the standards. Christi said the Maryland Clean Marina book standards included a section with a listing, and was very recent. As a possible starting point, Bob suggested checking with a corporate research and development office, through the Sherwin Williams outfit in Missoula, to see if there was a product they recommended.

Tiffany wasn't sure what they'd do about the concrete not coming into contact with water. Brett asked if there was an acceptable amount when the concrete was screeded off. A little would go off the side. He noted when footings were poured, even though the water was out 20', when you dug down four feet down, there was water in there. Tiffany thought the difference with the footings was it wasn't in contact with water that would take it out. Jerry wasn't sure that this was a place to go. Steve thought if the Planning Dept received a complaint, if the contractor was making every effort to minimize the amount of concrete in the water and some went in by accident, that was different from those who didn't care or who ordered an extra truck load assuming they'd spill one in the water.

Jerry asked for clarification on taking rock in front of the high water or low water point to repair riprap, referring to a previous discussion on the lake armament. Bob thought if rock fell out of the existing crib or wall, you could put it back. You couldn't take it from the bottom. Tiffany agreed that was the intent. Steve suggested changing B.2.f.ii so is said rock or stone from the immediate lakeshore protection zone *that has come out of existing riprap or crib structures* may be used to repair… or something like that.

The group moved on to 5-1.C on impervious cover. Tiffany sketched an example to explain the standards. Steve brought up again the idea for a setback for impervious surfaces, where if someone wanted to put a 5-foot walkway across a 100-foot frontage, the walkway had to be set back from the water a certain distance. Tiffany noted this was discussed for marinas. She thought there were a number of these [walkways] out there. Someone said these were mostly right next to the water. Steve thought typically a sidewalk was put up against a breakwater. Designers talk about sloping it back away from the lake so the runoff went some other way, but Steve didn't know if we wanted to spell that out. Tiffany pointed to C.2.d, which addressed that, and avoiding channelization of stormwater. Brett described that when waves crash over the end, you got a big sinkhole, and everything would wash down on the concrete, so it protected from getting more fines in the water. Steve visualized a 5-foot setback, and having wording to allow connection to the dock. This was a different application than someone who would pour a concrete sidewalk without the concrete breakwater. Brett asked if he was saying to allow it on a breakwater. Steve said with the stipulation that it had to slope away from rather than sloping out into the water.

Christi referred to a picture. She thought it was level and doubted it sloped back. She pointed out the weeping that was happening. It was probably high in nutrients. Brett disagreed. He thought that happened when it was poured. Christi said the weeping was subsurface runoff. It was probably pretty high in nutrients. Brett asked if that was runoff from above or below the sidewalk. Christi specified below. Brett said that happened from the pour. When you poured the concrete, it wasn't tight. Christi thought the wall probably had weep holes, and the bottom was where nutrients were fed in from the lawn. Brett said he wouldn't want it sloped back towards the lawn. Tiffany spoke about the water and the picture. Christi remarked that it needed tangled, deeply rooted vegetation. Brett identified that they were talking about existing stuff that might be replacement. He said that currently people are overhanging the sidewalk and causing that wave break. Tiffany asked if that was working. Brett said it was. He referred to the Wickershams' replacement wall. Bob asked how much these overhang. Brett said the distance was usually 6 to 8 inches. It was enough to get the water to go right back out. He gave additional details.

Christi referenced an earlier discussion that included breakwater walls and soft stabilization methods. Soft stabilization methods were the preferred method over the seawall. Steve checked if someone were to do this wall now, they would have to do a 2 to 1 slope of riprap against the wall on the lake surface. Tiffany confirmed this was the previous discussion. Christi said the ledge did a lot of negative things from a water quality and for what's happening on the landside. On the landside, it was dewatering. The connection between the lake and shoreline was completely severed. The shoreline was no longer functioning to have deep-rooted vegetation. If you tried to put in deep-rooted vegetation to try to buffer some of the chemicals coming off the lawn on the steeper slope in the picture, those plants would have to be irrigated because of the dewatering. Brett said you had to look at new construction versus something like this. Steve felt if the regulations continue to improve, as the grandfathered ones fell apart and were replaced with ones following the new standards, slowly we would improve the environment for a better habitat.

Brett said for the property in the picture, to try to get to the property to build the wall at low water was impossible. There was no access to bring in boulders. The concrete wall would have to be replaced with concrete. Steve gave an example of a neighbor who built from property line to property line, and who has to bring in heavy equipment through the neighbor's property in order to maintain his yard. Tiffany said some of these things might need to be addressed through a variance process. Steve said the standards needed to make things improve, from what's been learned over the last 10 or 20 years about what's better for the lake and the environment. The setback on the impervious surface was an idea. He didn't know whether or not the group needed to do that. Tiffany mentioned the impervious coverage limit did make people think about how they wanted to allocate that. Bob checked that Steve's scenario was to flip flop the gravel and the concrete. Steve said that putting a wall in changed a lot of things and made it different. If someone didn't have or need a wall, but wanted a sidewalk, he'd like to see the sidewalk away from the edge of the lake. Jerry added in the process, they wouldn't need the wall to support the sidewalk at the edge of the water.

Bob asked if they were going to pour that concrete, if they would haul in gravel. Brett confirmed. He gave another reason for the sidewalk, with the deadman or groin going out into the water, to help stop the blowing waves and to stabilize the wall. The sidewalk sat on top of those. That was what kept it from busting and falling in. Even on a riprap rock wall, how do you plant once you've got the gravel established? How do you put soil on that? Christi said that native riparian plants were adapted to the gravel. Steve returned to having a standard to get people to think about it. On a case-by-case basis, you might have to compromise with that. The idea was to have a standard there to not pave right up next to the lake and to have some plants. It wouldn't work in every case, but with that as a standard, at least people would try to lean in that direction. Whether you could do this, and how much, would vary with the property. Brett said with most people, if you had the natural rock, they wanted to keep it natural. For those with concrete, in order to protect that, you had the sidewalk. Steve thought if concrete was already there, people didn't think much about changing to something else. Bob asked Brett what would be involved in creating a sidewalk 5 feet from the lakeshore. Brett didn't think he could guarantee it. He didn't know what it was going to sit on. For a concrete wall, if the wall was poured and the deadmen go back, that sidewalk was sitting on top of a deadman. To do the sidewalk as Bob asked, you could probably do it with some sort of caisson footings going down. You had to have some sort of support down there. Tiffany asked about the scenario on a rocky shoreline, where you didn't have a wall, and wanted a walkway. Brett said that was different. It would depend on the shoreline, which bay, and what protection. Steve gave a scenario where someone had a natural rocky/gravelly shoreline with some natural vegetation in the 20 feet, who wanted a sidewalk, a wall would be necessary if the sidewalk was put right next to the water. If it was put back 10 to 15 feet, the wall wasn't needed. Brett said if they had a nice gravel beach, they probably wouldn't do that. The reason for a wall was to retain the land.

Jerry asked about the water depth at the wall for the example in the picture. Brett thought 5 feet. Jerry asked if this wall would have been put in to expand the property into the lake. Brett thought it was probably put it to replace an old wood piling wall. They allowed you to go 3 feet so you didn't have to tear out the old wall.

Steve asked if they wanted to encourage or allow [walls] on property that didn't already have this. Christi said it would be a variance to put in a new seawall if they didn't already have one. Brett said discourage concrete. Steve thought requiring a walkway setback for new stuff would help that process. Tiffany suggested using some sort of incentive to encourage this. Steve recalled this from a previous discussion, when a slightly larger square footage would be allowed if it were set back a certain distance.

Christi referred to what she learned from Lake Washington (Seattle area) and the Green Shorelines book. They were currently trying to get rid of seawalls in Lake Washington. They would leave one of the joins or deadmen in, and they would have some bulkhead, but they actually did bulkhead removal all round the lake. Where there's gravel, they allowed some scouring or deposition, depending which side it is, on their own property. That actually maintained the property, which was kind of counterintuitive. They were starting to reconnect the shoreline to the water again, which was having beneficial effects on water quality and [inaudible] and fishes. She didn't know if this was something down the line. If it was a way to remove seawalls in a beneficial way, it might be worth looking at.

Brett said the problem with Finley Point in recent years was the east side got hit really hard, which undermined a lot of seawalls. If your wall went out and your neighbor's didn't, there wasn't a way you could tear yours out and not put it back in. The neighbor's wall being there would just destroy your property. Steve suggested they look for something to break that cycle. Brett thought they could for the new stuff. Christi said this came up with replacements. Was there an alternative to putting in another wall? Brett thought the hardest part was if one neighbor lost a wall when there were two next to it. It was hard to ask that person to do rock riprap when that wouldn't hold with the two walls next to it. Tiffany thought they tried to make a provision for that in the retaining wall/ riprap section. There were provisions for when the softer methods wouldn't work. Brett said that with many of these projects, time was of the essence. They often didn't have a month, so it was nice to have a criteria established.

OTHER BUSINESS

None.

Motion made by Steve Rosso, and seconded by Jerry d'Aquin, to adjourn. Motion carried, all in favor. Meeting adjourned at 9:35 pm.